

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9191 OF 2026

Arun Jangilal Luthra and Anr. **...Petitioners**

V/s.

District Deputy Registrar and Ors. **...Respondents**

Mr. Rajesh Kanojia, *through V.C, i/b RES Juris, for Petitioner.*

Mr. Aman Saraf *with Ms. Ritika Dave i/b Samarth Associates, for Respondent No. 2.*

Ms. D.S. Deshmukh, *AGP for Respondent-State.*

Mr. Navin J. Luthra, for Petitioner No. 2-Present Personally in Court.

CORAM: SANDEEP V. MARNE, J.

DATED: 17 AUGUST 2026

P.C.:

1) By this Petition, Petitioners have challenged order dated 13 March 2026 passed by the District Deputy Registrar, Co-operative Societies (4), Mumbai, dismissing the application for condonation of delay in filing the revision against recovery certificate dated 18 June 2021.

2) I have heard Mr. Kanojia, the learned counsel appearing for Petitioners and Mr. Saraf, the learned counsel appearing for Respondent No. 2-Society

3) It appears that the Society filed recovery application for arrears during 1996 to 2019. The Deputy Registrar passed order on 18 June 2021 issuing the recovery certificate. Instead of challenging the recovery certificate before the District Deputy Registrar, the Petitioners directly filed Writ Petition No. 2993 of 2021 before this Court. The Petition was disposed of on 18 October 2022, observing availability of alternate remedy. Instead of filing revision before the District Deputy Registrar, the Petitioners filed Revision before the Hon'ble Minister, on 28 November 2022. The Revision preferred the Hon'ble Minister was dismissed on 15 March 2024, observing that the appropriate forum would be the District Deputy Registrar. After rejection of the revision by the Hon'ble Minister on 15 March 2024, the Petitioners maintained silence for about 1 year and 8 months. In fact, a statement is made in paragraph 3-E of the Petition that the Petitioners had lost hope after dismissal of revision by the Hon'ble Minister. It is only after expiry of period 1 year and 8 months that the Petitioners filed Revision before the District Deputy Registrar. Considering this position, the District Deputy Registrar has rejected application for condonation of delay by order dated 13 March 2026.

4) It cannot be said that the Petitioners had slept over the order dated 18 June 2021 passed by the Recovery Officer. They have been given wrong advice in relation to adoption of remedies. Firstly, they were advised to file direct Writ Petition before this Court and time between 2 September 2021 to 18 October 2022 was spent in prosecuting Writ Petition No. 2993 of 2021. After the Petition was disposed of, observing availability of alternate remedy, the Petitioner again received wrong

advice and they filed Revision before the Hon'ble Minister, which remained pending from 28 November 2022 to 15 March 2024. True it is that Petitioners have not properly explained the delay from 15 March 2024 to 17 November 2025, when the Revision was ultimately lodged before the correct Authority, namely, the District Deputy Registrar. For failure to properly explain delay for about 1 year and 8 months, Petitioner are required to be saddled with costs.

5) I am not impressed by the submission of Mr. Saraf that the Petitioners had abandoned their claim after the order passed by the Hon'ble Minister on 15 March 2024. Merely stating that the Petitioner had lost hope after dismissal of revision by the Minister does not mean that the Petitioners had given up or abandoned their challenge.

6) It is also seen that the Petitioners have apparently received a statement of accounts from the Deputy Registrar in March 2025 and they want to demonstrate an error in the same. In my view therefore, an opportunity needs to be granted to the Petitioners to prosecute the revision on merits. By order dated 21 July 2026 this Court had directed Petitioners to deposit an amount of Rs. 50,000/- towards possible costs that may be imposed in the Petition. Accordingly, Petitioners have deposited the said amount in this Court.

7) In my view therefore, the Petition deserves to be allowed by condoning the delay, subject to imposition of costs.

8) Petition accordingly succeeds. The order dated 13 March 2026 passed by the District Deputy Registrar is set aside. The Miscellaneous

Application for condonation of delay is allowed. The District Deputy Registrar shall proceed to decide the Revision Application on its own merits, without being influenced by any observations made by this Court in the order.

9) Petitioners shall pay Respondent no. 2-Society costs of Rs. 50,000/-. Accordingly, Respondent No. 2-Society shall be entitled to withdraw the amount deposited in this Court, alongwith accrued interest.

10) With the above directions, the Writ Petition is allowed and disposed of, with costs as indicated above.

11) The Revision shall be decided as expeditiously as possible. The Parties shall appear before the District Deputy Registrar on 27 August 2026 alongwith a copy of this order downloaded from website of this Court and shall obtain further orders for fixation of date(s) of hearing in the remanded Revision.

[SANDEEP V. MARNE, J.]